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GENERAL ASSEMBLY
Forty-sixth session
Agenda item 145
CRISIS OF DEMOCRACY AND
HUMAN RIGHTS IN HAITI

SECURITY COUNCIL
Forty-sixth year

Letter dated 9 October 1991 from the Permanent Representative of Honduras to the United Nations addressed to the Secretary-General

As Chairman of the Group of Latin American and Caribbean States (GRULAC) for the month of October, I have the honour to tansmit to you the attached copy of resolution MRE/RES.2/91, entitled "Support for democracy in Haiti", which was adopted by the Organization of American States on 8 October 1991 (see annex).

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly, under agenda item 145, and of the Security Council.

(Signed) Roberto FLORES BERMUDEZ
Ambassador
Permanent Representative

ANNEX

Resolution MRE/RES.2/91 of 8 October 1991, adopted by the Organization of American States

Support for democracy in Haiti

THE AD HOC MEETING OF MINISTERS FOR FOREIGN AFFAIRS,

HAVING SEEN resolution MRE/RES.1/91 "Support for the Democratic Government of Haiti" and the report of the mission designated in operative paragraph 2 of said resolution, and the request presented by the President of Haiti, Jean-Bertrand Aristide, in his letter of 7 October 1991 (MRE/doc.3/91) to the Secretary-General,

CONSIDERING:

That the crisis in Haiti has become more serious and that, consequently, it is necessary to adopt additional measures in accordance with operative paragraph 10 of resolution MRE/RES.1/91, and

The request received from President Jean-Bertrand Aristide to have the Organization, through a civilian mission, establish a presence in Haiti in order to contribute to the solution of the crisis in the country,

RESOLVES:

I

1. To reiterate resolution MRE/RES.1/91 "Support for the Democratic Government of Haiti", particularly with regard to the restoration of the exercise of the legitimate authority of President Jean-Bertrand Aristide, and to the need to restore constitutional order, and to maintain the measures adopted in that resolution;

2. To condemn strongly the use of violence and military coercion and the decision to replace illegally the constitutional President of Haiti, Jean-Bertrand Aristide;

3. To declare that no government that may result from this illegal situation will be accepted and, consequently, to declare that no representative of such government will be accepted;

4. To urge the member States to proceed immediately to freeze the assets of the Haitian State and to impose a trade embargo on Haiti, except for humanitarian aid. All humanitarian assistance must be channelled through international agencies or non-governmental organizations.

II

1. To accede to the request of President Jean-Bertrand Aristide that a civilian mission be constituted to re-establish and strengthen constitutional democracy in Haiti (OEA-DEMOC), which should go to that country in order to facilitate the re-establishment and strengthening of democratic institutions, the full force and effect of the Constitution, respect for the human rights of all Haitians, and to support the administration of justice and the adequate functioning of all the institutions that will make it possible to achieve these objectives. The Mission must have the guarantees that are indispensable for the security of its members;

2. To entrust to the Secretary-General the organization of OEA-DEMOC and to finance it by means of a special fund. To urge member States, permanent observers and the international community to make urgent contributions to the accomplishment of that mission.

III

1. To request the Secretary-General to keep the Ministers for Foreign Affairs informed, through the Permanent Council, on the effectiveness of the measures adopted so that they may decide on any further measures that may be necessary;

2. To request the Secretary-General also to report on the activities of the Mission OEA-DEMOC;

3. To request the Secretary-General to keep open channels of communication with the democratically constituted political institutions and other sectors in Haiti in order to facilitate dialogue, with a view to ensuring the mmodalities and guarantees that will make it possible for President Jean-Bertrand Aristide to return to office;

4. To transmit this resolution to the United Nations and to request its member States to adopt the same measures agreed upon by the American States.

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THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE AND
SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Letter dated 8 October 1991 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a copy of the "Geneva Agreement" signed at Geneva, Switzerland, on 4 April 1990 by representatives of the Government of El Salvador and of the Frente Farabundo Martí para la Liberación Nacional (see annex).

I should be grateful if you would have this note and its annex distributed as an official document of the General Assembly, under agenda item 31, and of the Security Council.

(Signed) Ricardo G. CASTANEDA
Ambassador
Permanent Representative

ANNEX

Geneva Agreement
(4 April 1991)

At the request of the Central American Presidents and within the framework of the mandate of good offices conferred on me by the Security Council under resolution 637 of 27 July 1989, I have held consultations with the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) in order to agree on the format, mechanism and pace of a process aimed at bringing about as speedily as possible, under my auspices, a definitive end to the armed conflict in that country. I have agreed to carry out this effort at the request of the Government and FMLN and because I have received assurances from both parties that there is a serious and good faith intention to seek to bring about such an end through negotiations. As a result of my consultations, the Government and FMLN have agreed on the points set forth below, which are designed to ensure that the process is conducted in an efficient and serious manner and promotes mutual trust through appropriate guarantees.

I believe that in addition to their intrinsic importance, the scrupulous maintenance of these guarantees will demonstrate the desire and ability of the parties to carry out any commitments they make during the negotiations. On this understanding, the Government and FMLN have pledged not to abandon the negotiating process.

1. The purpose of the process shall be to end the armed conflict by political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society.

The initial objective shall be to reach political agreements which lay the basis for a cessation of the armed conflict and of any acts that infringe the rights of the civilian population, which will have to be verified by the United Nations, subject to the approval of the Security Council. Once that has been achieved, the process shall lead to the establishment of the necessary guarantees and conditions for reintegrating the members of FMLN, within a framework of full legality, into the civil, institutional and political life of the country.

2. The process shall be conducted under the auspices of the Secretary-General, on a continuous and uninterrupted basis.

3. In order to ensure the success of the negotiating process, the Government and FMLN agree to an approach which shall involve two types of complementary activities: direct dialogue between the negotiating commissions with the active participation of the Secretary-General or his Representative, and an intermediary role by the Secretary-General or his Representative between the parties to ensure that both the Government and FMLN are committed

at the highest level. The Secretary-General shall seek to ensure that these activities are conducted in a manner that genuinely contributes to the success of the process. The Government and FMLN shall ensure that their negotiating commissions have full powers to discuss and conclude agreements.

4. The Government and FMLN agree that the process shall be conducted in the strictest secrecy. The only public information on its progress shall be that provided by the Secretary-General or his authorized Representative.

5. The Secretary-General, at his discretion, may maintain confidential contacts with Governments of States Members of the United Nations or groups thereof that can contribute to the success of the process through their advice and support.

6. The Government of El Salvador and FMLN agree that the political parties and other representative social organizations existing in El Salvador have an important role to play in the attainment of peace. They also recognize the need for both the Government and FMLN to maintain appropriate, ongoing information and consultation mechanisms with such parties and social organizations in the country, and that the latter must undertake to preserve the secrecy necessary to the success of the dialogue process. When it is deemed appropriate and on the basis of mutual consent, the commissions may call upon representatives of these parties and organizations in order to receive their inputs.

7. The Government and FMLN likewise recognize that it is useful for the Secretary-General to maintain contacts with Salvadorian individuals and groups whose input may benefit his efforts.

Geneva, 4 April 1990

Representing the Government of El Salvador:

(Signed)
Mr. Oscar SANTAMARIA

(Signed)
Ambassador Guillermo PAZ LARIN

(Signed)
Ambassador Ana Cristina SOL

(Signed)
Ambassador Carlos Ernesto MENDOZA

Representing the Frente Farabundo Martí para la Liberación Nacional:

(Signed)
Commander Shafik HANDAL

(Signed)
Mr. Salvador SAMAYOA

(Signed)
Commander Ana Guadelupe MARTINEZ

(Signed)
Commander Roberto CAÑAS

In the capacity assigned to me by the United Nations Security Council in resolution 637 (1989)

(Signed) Javier PEREZ DE CUELLAR
Secretary-General of the United Nations

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SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Letter dated 8 October 1991 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a copy of the "General Agenda and Timetable for the Comprehensive Negotiating Process" signed at Caracas, Venezuela, on 21 May 1990 by representatives of the Government of El Salvador and of the Frente Farabundo Martí para la Liberación Nacional (see annex).

I should be grateful if you would have this note and its annex distributed as an official document of the General Assembly, under agenda item 31, and of the Security Council.

(Signed) Ricardo G. CASTANEDA
Ambassador
Permanent Representative

ANNEX

General agenda and timetable for the comprehensive negotiating process

A. GENERAL AGENDA

I. The initial objective shall be to reach political agreements which lay the basis for a cessation of the armed conflict and of any acts that infringe the rights of the civilian population, which will have to be verified by the United Nations, subject to the approval of the Security Council.

(a) First: Political agreements

(1) Armed forces

(2) Human rights

(3) Judicial system

(4) Electoral system

(5) Constitutional reform

(6) Economic and social issues

(7) Verification by the United Nations

(b) Second: Cessation of the armed conflict and of any acts that infringe the rights of the civilian population

II. Establishment of the necessary guarantees and conditions for reintegrating the members of FMLN, within a framework of full legality, into the civil, institutional and political life of the country.

(1) Armed forces

(2) Human rights

(3) Judicial system

(4) Electoral system

(5) Constitutional reform

(6) Economic and social issues

(7) Reintegration of FMLN members

(8) Verification by the United Nations

III. Final agreements for the consolidation of the objectives of the Geneva Agreement and verification, where appropriate, by the United Nations.

Note: The sequence of the items listed for each phase does not imply a strict order of consideration and may be changed by mutual consent.

Agreements must be tailored to the nature of the phase involved. Political issues have been placed in their respective phases but, given the complexity of some of them, aspects thereof may be addressed in other phases. All this depends on the dynamic of the negotiations.

B. TIMETABLE

In the light of the general agenda for the comprehensive negotiating process set forth in the preceding section, the Government of El Salvador and FMLN agree that the initial objective set forth in paragraph 1 of the Geneva Agreement of 4 April 1990 should be achieved by the middle of September 1990, provided that agreements are reached which are synchronized, have implementation timetables and can be verified where appropriate, so as to ensure that all the components of the initial objective are duly coordinated.

This deadline would offer the additional advantage of helping to ensure that a legislative and municipal electoral process is conducted in an atmosphere of tranquillity, broad participation and freedom from intimidation.

It is difficult to set a fixed date for the conclusion of the comprehensive process. This will depend on factors that cannot be weighed at the present time, such as the extent and scope of the political agreements reched under paragraph I, which are a matter of negotiation, and the relationship between the negotiations and the electoral process. There is also a possibility that the initial objective may be achieved before the deadline. For these reasons, the conclusion of the process should be envisaged not in terms of dates but rather in terms of a given number of months after the achievement of the initial objective: tentatively, two to six months.

On the basis of the above understandings, the Government and FMLN shall, as their first substantive priority, concentrate on negotiating the political agreements envisaged under the initial objective.

Caracas, 21 May 1990

Representing the Government of El Salvador:

(Signed)
Colonel Juan A. MARTINEZ VARELA

(Signed)
Mr. Oscar Alfredo SANTAMARIA

(Signed)
Colonel Mauricio Ernesto VARGAS

(Signed)
Mr. Abelardo TORRES

(Signed)
Mr. David ESCOBAR GALINDO

(Signed)
Mr. Rafael HERNAN CONTRERAS

Representing the Frente Farabundo Martí para la Liberación Nacional:

(Signed)
Commander Schafik HANDAL

(Signed)
Commander Eduardo SANCHO

(Signed)
Ana Guadelupe MARTINEZ

(Signed)
Salvador SAMAYOA

(Signed)
Dagoberto GUTIERREZ

(Signed)
Marta VALLADARES

(Signed)
Roberto CAÑAS

(Signed) Alvaro de SOTO
Representative of the Secretary-General
of the United Nations